

ROCHESTER POLICE DEPARTMENT
INCIDENT REPORT

2016-00029570

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DETAIL	Incident Type 10. Narcotics Offenses		Report Date 02/06/2016	Report Time 09:48	Date From 02/06/2016	Time From 09:48	Date To 02/06/2016	Time To 09:48
	Incident Address 2 BURBANK ST		Beat 217		Campus Code			
	Violent Crime Context							
OFFENSES	Statute - PL 220.18 01 BF3		Attempt/Commit - Completed		Counts - 2			
	Description - CPC8 3rd: Narcotic Drug w/ intent to sell							
	Location Street-47		Weapon					
	Larceny Type		Aggravated Assault Circumstances				Gang Related No	Computer No
	Blas Type No Blas-Not Applicable-77		Entry Point		Method of Entry		# of Premises Entered	
	Statute - PL 221.05 V0		Attempt/Commit - Completed		Counts - 1			
VICTIM	Victim Type Society Public-S		Victim Name (Last, First, Middle) City of Rochester					
	Address 185 Exchange BLVD		Date of Birth	Age	Sex	Race	Ethnicity	Residence Status Not Applicable
	City, State, Zip Rochester, NY 14614		Victim/Offender Relationship (Offender Name, DOB, Relationship)					
	Telephone (585)428-1110		Level of Injury Business - NA		Type of Injury Business - NA		Medical Treatment Business - NA	
	Persons							
	Persons							
SUSPECT / MISSING PER	Type - S Arrestee		Suspect Name (Last, First, Middle) Torres, Xavier		Nickname			
	Address 11 BURBANK ST ROCHESTER, NY 14621		Date of Birth 11/7/1984	Age 31	Sex M	Race W	Ethnicity H	MoRS / JCR # 382474
	Height 5'4	Weight 125	Hair Color Black	Hair Length Short	Eye Color Brown	Glasses No	Complexion Light	Build Thin
	Facial Hair Beard		Gang Affiliation No		Scars, Marks, Tattoos			
	Clothing, Jewelry, Distinguishing Features		Offender Condition Apparently Normal		School Name / ID #			
	Mothers Maiden Name		Place of Birth		School Name / ID #			
INVESTIGATION	Modus Operandi							
	01. Witness to the offense?		05. Can a suspect be described?		09. Is there significant Modus Operandi present?			
	02. Surveillance footage of event?		06. Can a suspect be identified?		10. Is there significant physical evidence present?			
	03. Can a suspect be named?		07. Can a suspect vehicle be identified?		11. Has evidence tech work been performed?			
	04. Can a suspect be located?		08. Is stolen property traceable?		12. Preliminary investigation NOT completed?			
	Case Status Cleared by Arrest - Adult		Exceptional Clearance		Assigned Bureau Patrol - Clinton		Review Box Clinton 2nd	
Reporting Officer LUCIANO		BEM # 1599		Date 02/06/2016		Reviewed By		

EXHIBIT

"B"

tabbies

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<div> <div>Statute -</div> <div>Attempt/Covered -</div> <div>Counts -</div> </div>									
ADDTL OFFENSE	Description -		Weapon						
	Location								
	Larceny Type		Aggravated Assault Circumstances		Gang Related Computer				
	Bias Type	Entry Point	Method of Entry		# of Premises Entered				
VICTIM #2	Victim Type		Victim Name (Last, First, Middle)						
	Address		Date of Birth	Age	Sex Race Ethnicity Residence Status				
	City, State, Zip		Victim/Offender Relationship (Offender Name, DOB, Relationship)						
	Telephone		Level of Injury	Type of Injury	Medical Treatment				
PERSONS	<div> <div>R = Reporting Person</div> <div>W = Witness</div> <div>PK = Person w/ knowledge</div> <div>NI = Not interviewed</div> </div>								
	Type	Name (Last, First, Middle)	DOB	Sex	Race Eth	Address Telephone No.			
SUSPECT #2	Type - S		Suspect Name (Last, First, Middle)		Nickname				
	Arrestee		RODRIGUEZ, Jose, A						
	Address		Date of Birth	Age	Sex Race Ethnicity MoRB / JCR #				
	210 MAIN ST ROCHESTER, NY 14814		1/4/1963	53	M W H 277095				
	Height	Weight	Hair Color	Hair Length	Eye Color	Glasses	Complexion	Build	Facial Hair
5' 8	185	Brown	Short	Hazel	No	Light	Medium	Beard	No
Clothing, Jewelry, Distinguishing Features		Offender Condition		Scars, Marks, Tattoos					
		Apparently Normal							
PROPERTY	Property Code		Property Type		Property Value				
	Seized		Drug or Narcotic		Serial Number				
	Item Type and Description								
	ONE SMALL CONTAINER MARIJUANA								
PROPERTY	Quantity	Unit of Measure	Measurement Source	Drug Type	Color				
	1	Item(s)	Estimate	Marijuana					
	Item Type and Description								
	312 WAX PAPER ENVELOPES OF HEROIN								
PROPERTY	Quantity	Unit of Measure	Measurement Source	Drug Type	Color				
	312	Item(s)	Estimate	Heroin					
	Item Type and Description								
	312 WAX PAPER ENVELOPES OF HEROIN								
FIREARM	Firearm Property Code		Firearm Value	Make	Model				
	Caliber	Capacity	Type	Action	Serial Number				
	Description								
	Recovery Date								
VEHICLE	Vehicle Status		Year	Make	Model				
	Involved Vehicle		2001	Honda	CIVIC				
	State	Plate Number	VIN #	Style	Color				
	NY	HDN5260		4 Door Hardtop	Red				
Additional Description									
Reporting Officer									
JUCIANO		THOMAS	1599	02/06/2016	2019.7.9 GOV000179				

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ON THE ABOVE DATE AND TIME I WAS PATROLLING IN THE AREA OF N CLINTON AV NEAR THE INTERSECTION OF BURBANK ST. OFFICERS PIKE AND ROMEO WERE IN THE AREA AS WELL. WE WERE ALL IN SEPARATE MARKED PATROL VEHICLES. AT AROUND 09:48 HRS I WAS WESTBOUND ON BURBANK ST. PARKED ON THE NORTH SIDE OF BURBANK ST NEAR THE N CLINTON AV INTERSECTION WAS A RED HONDA 4D WITH NYS PLATES HDN-5250. OFFICER ROMEO SAW THE SAME VEHICLE AS HE TRAVELED WESTBOUND DOWN OSCAR ST. OSCAR ST IS ONE BLOCK TO THE NORTH OF BURBANK ST AND THE VEHICLE WAS CLEARLY VISIBLE THROUGH A LARGE VACANT FIELD.

AS I APPROACHED THE VEHICLE I COULD SEE AN INDIVIDUAL STANDING NEXT TO THE HONDA. THE INDIVIDUAL QUICKLY WENT NORTHBOUND ON N CLINTON AV OUT OF MY SIGHT. I SAW TWO M/H'S LATER IDENTIFIED AS XAVIER TORRES AND JOSE RODRIGUEZ QUICKLY EXIT THE VEHICLE. TORRES EXITED THE DRIVER'S SEAT AND RODRIGUEZ EXITED FRONT PASSENGER SEAT. THEY QUICKLY WALKED INTO THE COMMON HALLWAY OF THE BUILDING AT 1264 N CLINTON AV AND QUICKLY SHUT THE DOOR BEHIND THEM. THIS PARTICULAR LOCATION IS A KNOWN OPEN AIR DRUG LOCATION AND HAS BEEN THE SCENE OF MANY SHOOTINGS.

I EXITED MY VEHICLE AND FOLLOWED BEHIND THEM. I OPENED THE COMMON HALLWAY DOOR AND FOUND BOTH OCCUPANTS STANDING IN FRONT OF APARTMENT NUMBER 1. I ASKED WHO THEY CAME TO VISIT. RODRIGUEZ SAID NOTHING AND TORRES STATED THAT HE CAME TO VISIT HIS AUNT. I ASKED HIS AUNT'S NAME AND HE THEN YELLED LOUDLY THAT I WAS HARASSING HIM. I ASKED HIM HOW HE GOT TO LOCATION. HE STATED, "YOU SAW ME WALK IN HERE." AFTER SEVERAL MORE COMPLAINTS OF HARASSMENT HE THEN CLARIFIED THAT HE HAD WALKED TO THE LOCATION. I THEN ASKED HIM WERE HE HAD WALKED FROM AND HE TOLD ME HE HAD COME FROM HIS BROTHER'S HOUSE ON DEWEY AV. I ASKED IF HE HAD DRIVEN TO THE LOCATION AND HE STATED NO.

I NOTICED HIS BREATHING BECOMING HEAVIER AND I THEN PLACED HIM IN HANDCUFFS FOR OFFICER SAFETY AND CONDUCTED A PAT FRISK. WHILE DOING SO I LOCATED A KEY RING IN HIS FRONT RIGHT SWEATSHIRT POCKET AND NOTICED IT HAD A HONDA KEY ON IT. I ASKED TORRES IF HE HAD A DRIVER'S LICENSE AND HE STATED THAT HE DID NOT. I ASKED WHERE THE VEHICLE WAS THAT HE POSSESSED THE KEY FOR. HE TOLD ME IT WAS PARKED AT HIS BROTHER'S HOUSE. I THEN CONFRONTED HIM WITH HIS LIES AND TOLD HIM I HAD JUST WITNESSED HIM EXIT THE VEHICLE. I INSTRUCTED HIM TO SIT ON THE DOOR STEP OF THE LOCATION AND OFFICER PIKE STOOD BY WITH BOTH TORRES AND RODRIGUEZ WHILE I WALKED OVER TO THE HONDA.

I STARTED TO LOOK INSIDE AND OFFICER PIKE YELLED, "HE'S RUNNING". OFFICER PIKE QUICKLY TOOK TORRES INTO CUSTODY A SHORT DISTANCE FROM THE SCENE WHILE I STOOD BY WITH RODRIGUEZ. I WALKED OVER TO THE VEHICLE AND SAW THAT THE WINDOW REGISTRATION STICKER DID NOT MATCH THE PLATES (NYS ERW-1900). IN PLAIN VIEW WAS AN ELECTRIC RAZOR STILL IN THE PACKAGE. I HAD JUST INVESTIGATED A LARCENY AT THE RITE AID AT 1000 N CLINTON AV AT 09:22 HRS. SEE CR #16-029554. OFFICER ROMEO OBSERVED HYPODERMIC NEEDLES BEHIND THE DRIVER'S SEAT ON THE FLOOR. IT WAS DETERMINED THAT TORRES HAS A NON-DRIVER ID WITH FOUR SUSPENSIONS.

A SEARCH OF THE VEHICLE FOUND A CLEAR PLASTIC SANDWICH BAG ON THE DRIVER'S SIDE FLOOR BOARD CONTAINING SEVEN SMALL BLACK ZIPLOCK BAGGIES. THE BAGGIES CONTAINED A TOTAL OF 67 WHITE WAX PAPER ENVELOPES MARKED IN BLUE INK WITH THE

Reporting Officer

LUCIANO

THOMAS

Bld #

1599


Date

02/06/2016

Reviewed By

2019.7.9 GQV000180

NARRATIVE

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WORD "MAGOO". EACH ENVELOPE CONTAINED A SMALL AMOUNT OF SUSPECTED HEROIN. ALSO IN THE SAME SANDWICH BAG OFFICERS LOCATED THREE MEDIUM SIZED CLEAR PLASTIC ZIPLOCK BAGS. EACH ZIPLOCK CONTAINED 50 SMALLER BLACK ZIPLOCK BAGGIES (DIME BAGS). EACH OF THE BLACK ZIPLOCK BAGGIES CONTAINED A SMALL AMOUNT OF SUSPECTED COCAINE.

IN THE CENTER CONSOLE I LOCATED SEVERAL SHOPPING BAGS WRAPPED AROUND EACH OTHER. THE BAGS CONTAINED AN ADDITION 20 BUNDLES PACKAGED IN THE SAME MANNER. THE BUNDLES CONTAINED A TOTAL OF 199 WAX PAPER ENVELOPES OF SUSPECTED HEROIN PACKAGED IN THE SAME MANNER. ALSO IN THE CENTER CONSOLE I LOCATED TWO CLEAR MEDIUM SIZED ZIPLOCK BAGS. ONE BAG CONTAINED 24 BLACK ZIPLOCK BAGGIES (DIME BAGS) OF SUSPECTED COCAINE AND THE OTHER CONTAINED 26 YELLOW ZIPLOCK BAGGIES (DIME BAGS) OF SUSPECTED COCAINE. A SMALL PLASTIC PURPLE CONTAINER WAS ALSO IN THE CENTER CONSOLE. IT CONTAINED A SMALL AMOUNT OF MARIJUANA.

OFFICER PIKE TOOK THE RECOVERED RAZOR TO RITE AID. THERE HE CONDUCTED A SHOW UP WITH THE SECURITY GUARD, CRAIG RANNEY. HE CONFIRMED THAT THE RAZOR IN THE REAR OF THE HONDA WAS IN FACT THE SAME ONE STOLEN FROM THE STORE MINUTES EARLIER. BEFORE LEAVING THE SCENE I KNOCKED ON THE DOOR OF APARTMENT 1 WHERE BOTH SUSPECTS WERE STANDING. A MALE INSIDE IDENTIFIED HIMSELF AS LUIS GARCIA. I ASKED IF HE WAS EXPECTING ANYONE AND HE STATED THAT HE WAS NOT. I ASKED HIM TO LOOK AT BOTH TORRES AND RODRIGUEZ TO DETERMINE IF HE RECOGNIZED THEM. HE STATED THAT HE DID NOT KNOW THEM. THE VEHICLE WAS TOWED FROM THE SCENE AND BOTH TORRES AND RODRIGUEZ WERE TRANSPORTED TO THE EASTSIDE OFFICE.

THERE I CONDUCTED A THROUGH SEARCH OF RODRIGUEZ. IN HIS LEFT INSIDE COAT POCKET I LOCATED A CLEAR PLASTIC SANDWICH BAG. IT CONTAINED FIVE BUNDLES JUST AS DESCRIBED ABOVE. THE BUNDLES CONTAINED A TOTAL OF 46 WAX PAPER ENVELOPES OF SUSPECTED HEROIN. IN HIS LEFT PANTS POCKET I LOCATED A CLEAR PLASTIC ZIPLOCK BAG. THE ZIPLOCK BAG CONTAINED 50 SMALL BLACK ZIPLOCK BAGGIES (DIME BAGS) OF SUSPECTED COCAINE.

I CONDUCTED A FIELD TEST OF THE RECOVERED SUSPECTED NARCOTICS LOCATED ON RODRIGUEZ. OFFICER PIKE AND ROMEO CONDUCTED FIELD TESTS ON THE RECOVERED NARCOTICS AND MARIJUANA LOCATED IN THE VEHICLE. ALL PROVED POSITIVE. SEE SIGNED DRUG TEST DEPOSITIONS. ALL OF THE NARCOTICS WERE PACKAGED INTO TEN DOLLAR QUANTITIES FOR STREET SALE. IT SHOULD BE NOTED THAT RODRIGUEZ WAS IN POSSESSION OF \$104 AND TORRES WAS IN POSSESSION OF \$515. THE MONEY WAS IN SMALL DENOMINATIONS CONSISTENT WITH SALE OF ILLEGAL NARCOTICS. ALL OF THE RECOVERED EVIDENCE WAS TURNED INTO THE PROPERTY CLERK BY OFFICER PIKE. BOTH SUSPECTS WERE TRANSPORTED TO CENTRAL BOOKING.

TOTALS FOR RECOVERED NARCOTICS ARE AS FOLLOWS:
312 WAX PAPER ENVELOPES OF HEROIN
259 DIME BAGS OF COCAINE
1 PLASTIC CONTAINER OF MARIJUANA

Reporting Officer	RW #	Date	Reviewed By
UCIANO	1599	02/06/2016	2019.7.9 GOV000181

NARRATIVE

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ADDITIONAL PROPERTY

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